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To: Microsoft ATR
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Subject: Microsoft Settlement

I would like to comment on the proposed final judgement in the case U.S. vs. Microsoft. I do not feel that the proposal is in the public interest in the following points:

The definitions of various terms made in the proposal restrict the application of the judgement to prevent unfair practices resulting from a monopolization of the position of the windows operating system in computer systems using Intel-based processor chips:

Definition A

The term "API" is generally used to mean interfaces between application programs and the operating system, however in the proposed judgement this term is restricted to mean the interfaces between Microsoft Middleware and Microsoft Windows, excluding Windows APIs used by other application programs (definition A). This has the unfortunate consequence that important APIs such as the Microsoft Installer APIs which are used by installer programs to install software on Windows are omitted. The API definition should be altered to include these APIs so as not to put other software providers at a disadvantage since correctly functioning installer programs are a prerequisite for using such software in the Windows environment.

Definition J

The term "middleware" is generally used to mean application software that itself presents a set of APIs which allow users to write new applications without reference to the underlying operating system. In the proposed judgement, Definition J defines middleware in a much more restrictive way, and allows Microsoft to exclude any software from being covered by the definition in two ways:

1. By changing product version numbers so that updated versions of a product would no longer be considered Microsoft middleware.
2. By changing how Microsoft distributes Windows or its middleware, for example by introducing new version of Windows through the Update service so that this new version was not considered "Microsoft middleware".

Definition J should be modified to prevent such loopholes.

The proposed judgement does not adequately protect developers of alternatives to Windows which can run programs that are windows compatible:

The judgement should be modified to forbid retaliation against developers of such alternative operating systems.

It should also be modified to force microsoft to modify windows to allow the use of non-microsoft middleware.

The judgement should ensure that microsoft does not raise artificial barriers to prevent non-microsoft operating systems from using APIs needed to run applications written for windows.

The judgement should be modified to force Microsoft to modify their liscencing agreements so that users do not violate their liscencing agreements when using windows applications on windows-compatible competing operating systems.

Due to these points I conclude that the proposed final judgement allows anticompetitive practices to continue and allows Microsoft to create artificial barriers to the developement of alternatives to the Microsoft windows operating system. As such the proposed final judgement is not in the public interest and should not be adopted without modifications to address these issues.

Thank you for considering my opinion in the course of deciding how to proceed with the final judgement in the case U.S. vs Microsoft

sincerely,

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